

***Norridgewock on the Kennebec River***  
***Incorporated 1788***

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June 22, 2010

Joint Standing Committee on  
Natural Resources  
100 State House Station  
Augusta, ME 04333-0100

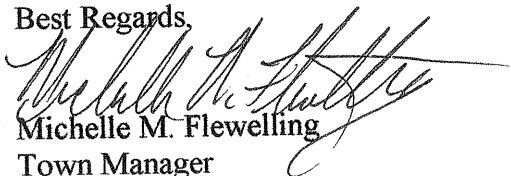
Dear Committee Members,

Our conversations and meetings throughout the last 6 months regarding LD 760 and LD 1794 have provided a wealth of knowledge. They have been thought provoking and have instigated various research session on the Town of Norridgewock's part to ensure that we are looking at all aspects of the scope of Solid Waste Disposal. The one thing that always comes back to me is that the people currently involved with these discussions will not always be in place as stewards to our communities or facilities, but trash will continue to be in Norridgewock's "back yard" for many years to come.

Should LD 1794 move forward, it is imperative that the requested amendments that were suggested to you by the Town of Norridgewock's Board of Selectmen in March, 2010 be included. These amendments will statutorily ensure that the interest of the land fill's host community, Norridgewock, stays protected, regardless of who is at the helm at the public or private sector levels.

I thank you for your time and consideration into this matter. Please feel free to contact me at my office, 207-634-2252 or [townmanager@townofnorridgewock.com](mailto:townmanager@townofnorridgewock.com) should you have any questions regarding this issue.

Best Regards,

  
Michelle M. Flewelling  
Town Manager

## LD 1794

### An Act Regarding Solid Waste Facilities

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 38 MRSA §1310-X, sub-§3, ¶B,** as amended by PL 1995, c. 68, §1, is repealed and the following enacted in its place:

B. The department determines that the proposed expansion is contiguous with the existing facility and:

(1) Is located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee; or

(2) For a commercial solid waste disposal facility that is a landfill that is not under order or agreement to close, is located on property owned by the licensee; and

(3) Notwithstanding any other law to the contrary, no real or personal property located on the expanded or existing facility may receive any property tax exemption;

(4) The department may not process or act upon any application or issue a license for an expansion of a commercial landfill facility pursuant to this subsection before March 1, 2011;

(5) The department may not process or act upon any application or issue a license for an expansion of a commercial landfill facility pursuant to this subsection until the applicant demonstrates to the department that it is in full compliance with the Host Community Benefit Agreement executed pursuant to section 1310(9), if any, on the existing facility;

(6) The department may not process or act upon any application or issue a license for an expansion of a commercial landfill facility pursuant to this subsection until a Host Community Benefit Agreement amendment is executed to account for the proposed expansion

## SUMMARY

This bill amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste facility license. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

Subsection 3 statutorily prohibits the applicant from pursuing property tax exemptions associated with the facility.

Subsection 4 institutes moratoria on the processing of any application for 1 year in order to allow a municipality to review the local impacts of any impending proposed expansion.

Subsection 5 requires DEP to determine that an applicant for expansion is in compliance with the host community benefit agreement on the existing facility before it approves an expansion.

Subsection 6 requires the applicant to negotiate an amendment to the existing host community benefit before DEP may process an application.